## REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed November 27, 2006. Claims 1-6, 13-14 and 16-19 are pending in this application and are rejected by the Examiner. This response amends claim 1, without adding or canceling any claims. Reconsideration of the rejected claims is respectfully requested.

### 35 U.S.C. §103 Rejection, *Barrick* in view of *Chen* and in further view of *Dutta*

Claims 1, 3, 5, 13-14 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Barrick* Jr. et al. (U.S. Patent No. 6,625,647) (hereinafter "*Barrick*") in view of *Chen* et al. (U.S. Patent No. 5,793,976) (hereinafter "*Chen*") and further in view of *Dutta* et al. (U.S. Publication NO. 2002/0161794) (hereinafter "*Dutta*").

Claim 1 is allowable as *Barrick*, *Chen*, and *Dutta* either alone or in any combination, do not teach or suggest each and every element of claim 1. For example, claim 1 recites,

> A method for assembling timing data for each layer in a multi-layer server environment, comprising:
>
> generating a first HTML based request;
>
> **depositing a time of generation of the first HTML based request in one or more hidden data fields associated with the first HTML based request;**
>
> **forwarding the first HTML based request to one or more servers that each deposit an arrival time and a departure time for the first HTML based request in the one or more hidden data fields associated with the first HTML based request;**
>
> generating an HTML based response in response to receiving the first HTML based request;
>
> **depositing a time of generation of the HTML based response in one or more hidden data fields associated with the HTML based response;**
>
> **transferring the arrival times, the time of generation of the HTML based request, and the departure times to the one or more hidden data fields associated with the HTML based response;**
>
> **forwarding the HTML based response to one or more servers that each deposit an arrival time and a departure time in the one or more hidden data fields associated with the HTML based response;**
>
> receiving the HTML based response to a browser for displaying the HTML based response, the browser operable to store a time of arrival and a time of display for the HTML based response; and

**generating a second HTML based request, the second HTML based request including the times of generation, arrival times, departure times, and time of display for the first HTML based request and HTML based response in one or more hidden data fields associated with the second HTML based request.** *(emphasis added)*

In the office action dated June 8, 2006, it is asserted that *Barrick* teaches depositing a time of generation of the first HTML based request in one or more hidden data fields associated with the first HTML based request, as is claimed by Applicants. However, such limitations are neither taught nor suggested by *Barrick*, *Chen*, or *Dutta*.

As discussed in the office action (Office Action, 6/8/2006, p.3), *Barrick* teaches, "in one embodiment, the browser agent records the time of sending of the HTTP GET request as the start time." (*Barrick*, col. 7, lines 57-58). As also discussed in the office action, in HTML, the GET request file is always hidden. In addition, *Barrick* teaches that said timing data is deposited into hidden data fields, i.e., delta field, as in the delta field is sent as a variable DELTA in the HTTP GET request header.(Office Action, 6/8/2006, p. 3). Moreover, "the **download time interval measured by the browser agent is encoded as a DELTA field**." (*Barrick*, col. 9, lines 3-5).

Although the browser agent of *Barrick* records the time of sending of the HTTP GET request, there is no mention that the browser agent records the time of sending the HTTP GET request **within the HTTP GET request**. Although *Barrick* teaches that the DELTA field is a field contained in an HTTP GET request header, the DELTA field is not the same as the time of sending the HTTP GET request, as suggested in the office action. More specifically, the DELTA field is defined by *Barrick* as the **download time interval**. Accordingly, *Barrick* does not teach or suggest depositing a time of generation of the first HTML based request in one or more hidden data fields associated with the first HTML based request, as is claimed by Applicants. As such, *Barrick* cannot render obvious Applicants' claim 1 and dependent claims 3-5.

*Chen* does not make up for these deficiencies in *Barrick* with respect to claim 1. *Chen* teaches the monitoring and reporting of delays experienced by a packet of information at each intermediate node of a network (*Chen*, col. 4, lines 26-33). Even assuming that *Chen*

teaches what is stated and that there is a motivation to combine, this teaching does not make up for the deficiencies in *Barrick* with respect to these claims.

Moreover, *Dutta* does not make up for these deficiencies in *Barrick* and *Chen* with respect to claim 1. *Dutta* teaches, "the browser maintains a list of all of the screen images that have been captured within a configurable duration of time, and the time that the screen image was captured." (*Dutta*, [0047]). Even assuming that *Dutta* teaches what is stated and that there is a motivation to combine, this teaching does not make up for the deficiencies in *Barrick* and *Chen* with respect to these claims.

As stated in the previous office action dated November 27, 2006, *Barrick* fails to teach forwarding the first HTML based request to one or more servers that each deposit an arrival time and a departure time for the first HTML based request in the one or more hidden data fields associated with the first HTML based request, as is claimed by Applicants. It is asserted that *Chen* teaches these limitations.

However, *Chen* also fails to teach or suggest the limitations of claim 1. *Chen* is directed to monitoring of a **packet-switched network connection**, wherein each intermediate node of the network can be monitored to determine a network quality of service. (*Chen*, col. 4, lines 26-56). Moreover, *Chen* teaches the information field of a management cell is modified by all the network nodes along a virtual connection. In the preferred **ATM [asynchronous transfer mode]** embodiment, these management cells can optionally be implemented as extensions of current OAM cells. (*Chen*, col. 6, lines 57-67). These intermediate **nodes are devices that forward and direct the packets to their intended destination endpoint, i.e. routers, or switches**. (*Chen*, col. 1, lines 22-24). Alternatively, the switch may record in one timestamp field the time that the packet arrives, and then record the time the packet leaves into another timestamp field. (*Chen*, col. 5, lines 5-9).

It is asserted in the previous office action that the nodes of *Chen* include servers. (Office Action, 11/27/2006, p. 6). However, *Chen*'s teachings are in the context of **packet-switched data networks** and ATM (asynchronous transfer mode) networks, which are **network layers**. In this context, the nodes are routers or switches, as stated by *Chen*. A server is not a

node within an ATM network layer. Moreover, the timestamp field of *Chen* teaches recording of the time the packet arrives and the time the packet leaves. (*Chen*, col. 5, lines 5-9). A **packet** as taught by *Chen*, is not equivalent to an HTML based request, as claimed by Applicants. As would be understood to one of ordinary skill in the art in light of the teachings of *Chen*, a packet in the context of a packet-switched data network, exists in a network layer, which is different than what is recited in the Applicant's claim. Additionally, *Chen* teaches management cells in the context of ATM network layer. Cells in an ATM network are not equivalent to an HTML based request. Again, these cells exist in a network layer. Accordingly, *Chen* does not teach or suggest forwarding the first HTML based request to one or more servers that each deposit an arrival time and a departure time for the first HTML based request in the one or more hidden data fields associated with the first HTML based request, as is claimed by Applicants. As such, *Chen* cannot render obvious Applicants' claim 1 and dependent claims 3-5.

Moreover, *Dutta* does not make up for these deficiencies in *Barrick* and *Chen* with respect to claim 1. *Dutta* teaches, "the browser maintains a list of all of the screen images that have been captured within a configurable duration of time, and the time that the screen image was captured." (*Dutta*, [0047]). Even assuming that *Dutta* teaches what is cited and that there is a motivation to combine, this teaching does not make up for the deficiencies in *Barrick* and *Chen* with respect to these claims.

For similar reasons, *Barrick*, *Chen*, and *Dutta* also fail to teach depositing a time of generation of the HTML based response in one or more hidden data fields associated with the HTML based response, transferring the arrival times, the time of generation of the HTML based request, and the departure times to the one or more hidden data fields associated with the HTML based response, forwarding the HTML based response to one or more servers that each deposit an arrival time and a departure time in the one or more hidden data fields associated with the HTML based response, and generating a second HTML based request, the second HTML based request including the times of generation, arrival times, departure times, and time of display for the first HTML based request and HTML based response in one or more hidden data fields associated with the second HTML based request, as is claimed by Applicants.

Independent claim 13 also recites limitations that are not taught or suggested by *Barrick*, *Chen*, and *Dutta* for reasons including those discussed above, such that claims 1 and 13 and dependent claims 2-6, 14, and 16-19 cannot be rendered obvious by *Barrick*, *Chen*, and *Dutta*, either alone or in any combination.

**35 U.S.C. §103 Rejection, *Barrick* , *Chen*, *Dutta*, and in further view of *Fish***

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Barrick* in view of *Chen* and further in view of *Dutta* and further in view of *Fish* et al. (U.S. Publication No. 2004/0111394) (hereinafter "*Fish*"). Claim 2 depends from independent claim 1, which is not rendered obvious by *Barrick, Chen,* and *Dutta* as discussed above.

*Fish* does not make up for the deficiencies in *Barrick, Chen,* and *Dutta* with respect to these claims. *Fish* teaches the use of hidden fields in an HTML document for storing debug information (*Fish*, [0009 - 0010]), and is cited as teaching the displaying of these hidden data fields to a user (Office Action 11/27/2006, p. 11). Even assuming that *Fish* teaches what is cited and that there is a motivation to combine, this teaching does not make up for the deficiencies in *Barrick, Chen*, and *Dutta* with respect to these claims. As such, *Fish* cannot render obvious Applicants' claims 1 or 2, either alone, or in any combination with *Barrick, Chen,* and *Dutta*.

**35 U.S.C. §103 Rejection, *Barrick, Chen, Dutta*, and in further view of *Packman***

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Barrick* in view of *Chen* and further in view of *Dutta* and further in view of *Packman* et al. (U.S. Publication No. 2003/0225877) (hereinafter "*Packman*"). Claim 4 depends from independent claim 1, which is not rendered obvious by *Barrick, Chen,* and *Dutta* as discussed above.

*Packman* does not make up for the deficiencies in *Barrick, Chen,* and *Dutta* with respect to these claims. *Packman* is cited as teaching the one or more servers including at least one application server and a database server. (Office Action 11/27/2006, p. 12). Even assuming that *Packman* teaches what is cited and that there is a motivation to combine, this teaching does not make up for the deficiencies in *Barrick, Chen*, and *Dutta* with respect to these claims. As

such, *Packman* cannot render obvious Applicants' claims 1 or 4, either alone or in any combination with *Barrick, Chen,* and *Dutta.*

**35 U.S.C. §103 Rejection, *Barrick, Chen*, and in further view of *Engel***

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Barrick* in view of *Chen* and further in view of *Engel* (U.S. Publication No. 2004/0246996) (hereinafter "*Engel*"). Claim 6 depends from independent claim 1, which is not rendered obvious by *Barrick* and *Chen* as discussed above.

*Engel* does not make up for the deficiencies in *Barrick* and *Chen* with respect to these claims. *Engel* is cited as teaching the synchronizing of servers. (Office Action 11/27/2006, p. 13). Even assuming that *Engel* teaches what is cited and that there is a motivation to combine, this teaching does not make up for the deficiencies in *Barrick* and *Chen* with respect to these claims. As such, *Engel* cannot render obvious Applicants' claims 1 or 6, either alone, or in any combination with *Barrick* and *Chen.*

**35 U.S.C. §103 Rejection, *Barrick, Chen*, and in further view of *Blythe***

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Barrick* in view of *Chen* and further in view of *Blythe* et al. (U.S. Publication No. 2004/0139433) (hereinafter "*Blythe*"). Claim 19 depends from independent claim 13, which is not rendered obvious by *Barrick* and *Chen* as discussed above.

*Blythe* does not make up for the deficiencies in *Barrick* and *Chen* with respect to these claims. *Blythe* is cited as teaching the use of application servers in a distributed environment. (Office Action 11/27/2006, p. 14). Even assuming that *Blythe* teaches what is cited and that there is a motivation to combine, this teaching does not make up for the deficiencies in *Barrick* and *Chen* with respect to these claims. As such, *Blythe* cannot render obvious Applicants' claims 13 or 19, either alone, or in any combination with *Barrick* and *Chen.*

**35 U.S.C. §103 Rejection, *Barrick, Chen, Dutta*, and in further view of *Struble***

Claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Barrick* in view of *Chen* and further in view of *Dutta* and further in view of *Struble* (U.S. Publication No. 2003/0004796) (hereinafter " *Struble* "). Claims 16 and 17 depend from independent claim 13, which is not rendered obvious by *Barrick, Chen,* and *Dutta* as discussed above.

*Struble* does not make up for the deficiencies in *Barrick, Chen,* and *Dutta* with respect to these claims. *Struble* is cited as teaching an internal clock to keep local time. (Office Action 11/27/2006, p. 13). Even assuming that *Struble* teaches what is cited and that there is a motivation to combine, this teaching does not make up for the deficiencies in *Barrick, Chen*, and *Dutta* with respect to these claims. As such, *Struble* cannot render obvious Applicants' claims 13, 16 or 17, either alone, or in any combination with *Barrick, Chen,* and *Dutta*.

Applicants would like to note an error in the Office Action, which states, "Claim 29 is rejected on the same basis as claim 6." (Office Action 11/27/2006, p. 13). The Examiner is aware that claim 29 has been cancelled. (Office Action 11/27/2006, p. 2).

Applicants therefore respectfully request that the rejections with respect to pending claims 1-6, 13-14, and 16-19 be withdrawn.

**Amendments to the Claims**

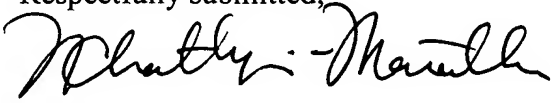
Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.

## CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Naya Chatterjee-Marathe
Reg. No. 54,680

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
NMC:mg
60939382 v1